

12-16-2020
1:08 PM

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 236-322067-20

NASIR KHAN
VS.
ISOTHERM, INC.

[Signature]
PSC 9027
EXP: 8-31-2022

TO: ISOTHERM INC

B/S REG AGENT-ZAHID AYUB 7401 SHARON LEE DR ARLINGTON, TX 76001-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 236th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

NASIR KHAN

Filed in said Court on December 9th, 2020 Against
ISOTHERM INC

For suit, said suit being numbered 236-322067-20 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

ALI CROCKER RUSSELL

Attorney for NASIR KHAN Phone No. (817)482-6570

Address 2401 CALLENDER RD STE 103 MANSFIELD, TX 76063

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 10th day of December, 2020.

By Tamara Colacino
TAMARA COLACINO



A CERTIFIED COPY
ATTEST: 12/10/2020
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXA
BY: /s/ Tamara Colacino

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *23632206720000003*

Received this Citation on the 10th day of DECEMBER, 2020 at 5:20 o'clock P M; and executed at 7401 SHARON LEE DR within the county of TARRANT, State of TEXAS at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): ISOTHERM INC - B/S REG AGENT - ZAHID AYUB defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: [Signature]County of TARRANT State of TEXAS By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

EXHIBIT**C**

CITATION

Cause No. 236-322067-20

NASIR KHAN

VS.

ISOTHERM, INC.

ISSUED

This 10th day of December, 2020

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By TAMARA COLACINO Deputy

ALI CROCKER RUSSELL
Attorney for: NASIR KHAN
Phone No. (817)482-6570
ADDRESS: 2401 CALLENDER RD STE 103

MANSFIELD, TX 76063

CIVIL LAW



23632206720000003

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 12/10/2020
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXA
BY: /s/ Tamara Colacino

FILED
TARRANT COUNTY
12/9/2020 9:41 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 236-322067-20

NASIR KHAN,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
v	§	<u> </u> JUDICIAL DISTRICT
	§	
ISOTHERM, INC.,	§	
<i>Defendant.</i>	§	IN TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

NOW COMES Plaintiff, NASIR KHAN, complaining of Defendant, Isotherm, Inc., and for cause of actions would show this Court the following:

JURISDICTION

1. The damages sought in this suit are within the jurisdictional limits of this Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of \$600,000 or more and non-monetary relief.

PLAINTIFF

2. This Petition is filed by Nasir Khan, Plaintiff, whose address is 218 Cabotwood Trail, Mansfield, Texas 76063.

DEFENDANT

3. Isotherm, Inc., Defendant, a business entity, whose address is 7401 Commercial Blvd E, Arlington, Texas 76001. Defendant can be served with process through its registered agent, Zahid Ayub, at 7401 Sharon Lee Drive, Arlington, Texas 76001.

VENUE

4. Venue is proper in this county in that the events giving rise to this cause of action occurred within TARRANT County.

FACTS

5. Isotherm hired Nasir Khan on or about May 14, 2014 as a Design Engineer.
6. Isotherm recruited Mr. Khan from his home county, Pakistan. Mr. Khan was brought over on a H1-B Visa.
7. Mr. Khan signed a contract with Isotherm outlining his wages and other job responsibilities. The contractual language was then provided in Mr. Khan's H1-B Visa.
8. Mr. Khan was to be paid \$74,613 in 2016. Mr. Khan was to be paid \$125,278 in 2017, 2018, and 2019.
9. Mr. Khan was paid \$66,999 in 2017; \$52,826 in 2018; and \$37,365 in 2019.
10. Mr. Khan is owed \$231,162.00 by Isotherm.
11. Mr. Khan made numerous requests to his manager, Mr. Zahid Ayub to correct the wage discrepancies.
12. Mr. Khan was continuously threatened with deportation if he questioned Mr. Ayub.
13. Mr. Ayub continues to threaten Mr. Khan's family with violence if Mr. Khan continues with his discrimination complaint to the EEOC and request for back wages.
14. Mr. Ayub had a problem with Mr. Khan's name and forced him to go by the nickname "Nash" which is a slang word in Pakistan.
15. Mr. Ayub harassed Mr. Khan about the way he dressed and the food he would eat.
16. Mr. Ayub harassed Mr. Khan about his religion, specifically saying Ms. Khan's religion was stupid. Mr. Ayub went so far as to claim that the muslim religion was causing all the problem

in the world. Mr. Ayub called Mr. Khan's name including by not limited to "another Hindustani Pakistani. Mr. Ayub "suggested that a ten-year ban on all immigration from Muslim countries."

17. Before Mr. Ayub filed the lawsuit in an attempt to threaten Mr. Khan, he filed a police report against both Mr. Khan and his brother Kashif Khan.

17. Mr. Ayub filed a lawsuit in Pakistan against Mr. Khan in hopes to pressurize Mr. Khan to withdraw his claims in the United States.

18. Mr. Khan's family in Pakistan have received violent threats from Mr. Ayub.

CAUSE OF ACTION I: TITLE VII VIOLATION FOR COLOR & RACE

19. Plaintiff incorporates all preceding paragraphs herein.

20. The four-point test to determine discrimination in the workplace is derived from McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973).

21. Mr. Khan belongs to a protected class under Title VII because he is Pakistani.

22. Mr. Khan is qualified for the position of Design Engineer because he received a degree in mechanic engineering and he has 15 years of experience in this field.

23. Mr. Khan experienced an adverse employment action by being treated differently than his lateral colleagues.

24. Mr. Khan's similarly situated colleagues were treated more favorably because they were not mocked or harassed based on their clothing, food, and religion. The similarly situated colleagues did not receive push back on their routine opinions, ideas, and participation.

CAUSE OF ACTION VI: EQUAL PAY ACT VIOLATIONS

25. Plaintiff incorporates all preceding paragraphs herein and references thereto.

26. Mr. Khan was paid less than his counterparts. He was paid less than other Design engineers with his level of experience. He was paid less than lower level employees.

ATTORNEYS' FEES

27. Nasir Khan engaged Ali Crocker Russell of Crocker Russell & Associates to prepare and prosecute this Suit. As part of the petition, Nasir Khan petitions this Court to render judgment for reasonable attorneys' fees, expenses, and costs through trial and appeal in his favor and against Isotherm, Inc. and order the judgment to be paid directly to Ali Crocker Russell. Ali Crocker Russell petitions this Court to award post-judgment interest as permitted by law.

PRAYER

Plaintiff prays that citation be issued commanding Defendant to appear and answer herein and that Plaintiff be awarded judgment against Defendant for an amount within the jurisdiction limits, plus court costs and attorneys' fees.

Plaintiff request a jury trial, which fee will be attached.

Plaintiff prays that he be awarded a judgment against Isotherm, Inc. for reasonable attorneys' fees and post-judgment interest.

Plaintiff prays for general relief.

Respectfully submitted,

By: /s/ Ali Crocker Russell
CROCKER RUSSELL & ASSOCIATES
2401 Callender Road, Suite 103
Mansfield, Texas 76063
Tel: (817) 482-6570
Fax: (682) 232-1850

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